

IT IS ORDERED as set forth below:

Date: August 16, 2018



A handwritten signature in black ink, appearing to read "Lisa Ritchey Craig".

Lisa Ritchey Craig
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBERS
	:	
CASSANDRA JOHNSON LANDRY,	:	18-55697-LRC
	:	
Debtor.	:	
	:	
US BANK, ASSN, as Trustee for	:	
Citigroup Mortgage Pass Through, Heather	:	
Brock (sic), McCalla Raymer Leibert	:	
Pierce, LLC,	:	
	:	
Movant,	:	
	:	
v.	:	
	:	
CASSANDRA JOHNSON LANDRY,	:	IN PROCEEDINGS UNDER
	:	CHAPTER 13 OF THE
Respondent.	:	BANKRUPTCY CODE

ORDER

Before the Court is the *Motion to Quash Subpoenas to Produce Documents, Information, or Objects or To Permit Inspection of Premises in a Bankruptcy Case (Or*

Adversary Proceeding) (the “Motion”) (Doc. No. 50), filed by US Bank National Association (“US Bank”). The Motion was filed on August 16, 2018, and seeks to quash a subpoena issued by the Debtor, *pro se*, which is dated August 13, 2018, and requires US Bank to appear at 9:00 a.m. on August 17, 2018, at the office of the Chapter 13 Trustee (the “Subpoena”). US Bank objects to the Subpoena because: (1) the items to be produced are unclear; (2) US Bank’s counsel received the Subpoena less than 24 hours before the appearance and production deadline; (3) the Subpoena is improper, unreasonable, and oppressive; (4) some of the requested documents may be privileged or work product; and (5) the documents requested are not relevant to the Debtor’s bankruptcy case.

Given the time sensitivity of US Bank’s request, the Court has considered the Motion on an expedited basis, but recognizes that Plaintiff has not had sufficient time to respond to the Motion. That being said, it is obvious from the Court’s review of the Subpoena, which is attached to the Motion, that the Subpoena must be quashed, especially considering US Bank’s contention that its counsel did not receive the Subpoena until 10:00 A.M. on August 16, 2018.

The Court concludes that the Subpoena should be quashed, pursuant to Federal

Rule of Bankruptcy Procedure 9016, which incorporates Fed. R. Civ. P. 45(d)(3). The items requested in the Subpoena are nearly unintelligible, and there is no apparent connection between the documents requested and the matters pending in this bankruptcy case. The notice and response time given in the Subpoena do not constitute a “reasonable time to comply,” and the documents, whatever they may be, could include privileged or other protected matter, but US Bank has not been given sufficient direction as to what documents are requested or sufficient time to determine whether any documents may be protected by privilege.

For the reasons stated above, US Bank’s Motion to Quash is **GRANTED on an interim basis**;

IT IS ORDERED that US Bank is excused from complying with the Subpoena until further order of the Court;

IT IS FURTHER ORDERED that, should Debtor wish to obtain documents from US Bank, Debtor must supplement the Subpoena with a clear and concise statement of the documents requested;

IT IS FURTHER ORDERED that US Bank shall have thirty (30) days from the day any such statement is served upon its counsel, McCalla Raymer Leibert Pierce, LLC,

within which to respond to the Subpoena or to file a supplemental motion to quash and, if such a motion is filed, the Court may schedule a hearing if necessary.

END OF DOCUMENT

Distribution List

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